



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: December 23, 2009

TO: Ms. Sharon L. Summers, DSS
Policy, Program & Development Unit

FROM: Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: 13 DE Reg. 847 [DSS TANF Transitional Work Program Participation Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Social Services' (DSSs) final TANF Transitional Work Program regulation published as 13 DE Reg. 847 in the December 1, 2009 issue of the Register of Regulations. The SCPD commented on the proposed version of this regulation in October, 2009. DSS has now adopted a final regulation incorporating amendments which address almost all of the Council's concerns. SCPD certainly appreciates that the Division incorporated extensive amendments in response to the Council's commentary.

First, SCPD recommended adoption of a regulatory definition of the "transitional work program". DSS has now incorporated a lengthy description of the program in §3017.1.

Second, SCPD recommended an amendment contemplating beneficiary collaboration in development of the TWP Employability Plan. DSS added the following sentence to §3017.1: "The TWP program will collaborate with each client to develop their TWP Employability Plan."

Third, SCPD noted the anomaly inherent in requiring "unemployable" beneficiaries medically determined unable to engage in pre-vocational and job training activities and expected participation in this program. DSS clarified that participants are those "unable to work in an 'unsubsidized' work employment setting and added the following sentence to §3017.1: "Clients will not be expected to participate beyond the maximum limits established by health care professionals."

Fourth, SCPD noted conflicting references on whether participation in the program is mandatory or discretionary. DSS deleted a reference to "may be required to enroll" and added the following

sentence to §3017.1: “All parents and caretakers receiving a TANF grant in the Non-Time Limited Program are eligible for referral to the TWP.”

Fifth, SCPD noted some inconsistency between the definition of “sanction” and the standard in §3017.1. The definition contemplates a \$50 reduction in the grant for each month of refusal or failure to participate. In contrast, §3017.1 envisions a cumulative penalty of \$50 for the first month, \$100 for the second month, \$150 for the third month, etc. DSS effected no amendment. Therefore, the latter penalty approach will ostensibly apply to this program.

Sixth, SCPD recommended addition of a recital that participants would be provided with reasonable accommodations and supports. DSS added some references to accommodations.

Thank you for your consideration.

cc: Ms. Elaine Archangelo
Mr. Brian Hartman, Esq.
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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